(35)

HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition No. 3745 of 2007

Petitioner Ram Awtar Singh Dhruv, Son of Shri Kanhaiya Lal Dhruv, aged about 31myears, Resident of Village Ghuturkundi Block Pandariya, Tehsil Pandariya, Chhattisgarh, Dist. Kabirdham, CG.

Versus

Respondents

1) State of Chhattisgarh through the Secretary, Department of Pancchayat and Rural Development, D.K.S. Bhawan, Mantralaya, Raipur, (Chhattisgarh).

2) Collector, District Kabirdham, Kabirdham, Chhattisgarh.

3) Deputy Collector, District Kabirdham, Pandariya, Chhattisgarh.

4) Shri R.P. Devangan, Deputy Collector, District Kabirdham, Pandiriya, Chhattisgarh.

5) Panchram Gaud, Son of Shri Sukhiram, aged about 40 years, Presently Sarpanch Gram Panchayat, Ghuturkundi, Resident of Village Ghuturkundi, Block Pandariya, Tehsil Pandariya, Chhattisgarh.

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present: Shri Amrito Das, counsel for the petitioner.
Shri Sumesh Bajaj, Govt. Advocate for the State.

ORDER
(Passed on 2nd July, 2007)

Learned counsel appearing for the petitioner submits that the petitioner has filed an application under the provisions of Section 36-D of Chhattisgarh Panchayat Raj Adhiniyam, 1993, which is pending consideration before the Deputy Collector, Kabirdham.

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2) The petitioner has serious apprehension and doubt as according to him, the Presiding Officer i.e., Deputy Collector, Kabirdham is biased and partial. Accordingly, the petitioner moved an application before the Collector, Kabirdham on 24-5-12007 for change of the Presiding Officer. The Collector, who is considering the application of the petitioner, has not decided the same expeditiously. The petitioner has not moved the Collector for stay of proceedings pending before the prescribed officer.

3) Admittedly, the petitioner had moved the application on 24-5-2007 and expects that the application be decided as early as possible. Today is 2nd July 2007. Even the petitioner does not want to wait for two months. It appears that the petitioner is in hurry to misuse the judicial process by filing this petition.

4) Let the Collector, Kabirdham, consider judicial proceedings in accordance with law and decide the same within reasonable time.

5) With the aforesaid observations, this petition is dismissed.

Sd/-
Satish K. Agnihotri
Judge

raju